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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
10/10/07
DANIEL J. BROWN
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10/10/2007

October 10, 2007

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Honorable Alvin K. Hellerstein
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Room 910
New York, New York 10007

*So ordered
10-10-07
Alvin K. Hellerstein*

Re: United States v. Carlos Henriquez,
06 Cr. 1014 (AKH)

Dear Judge Hellerstein:

As your Honor will recall, on September 11, 2007, I was appointed as counsel for defendant Carlos Henriquez. I now write, respectfully, to request that I be relieved and that Don D. Buchwald be substituted and appointed as his counsel.

At Mr. Henriquez's initial status conference on September 17, your Honor established a trial date of December 3. I informed your Honor then that I am scheduled to try a complex and lengthy multi-defendant case before Judge Robinson starting February 4, 2008.¹ The case is fairly old and this firm trial date was set last spring after two other adjournments.

There are hundreds of hours of Title III recordings to review and a great deal of other defense preparation necessary in that other case to prepare it properly. My client there faces life in prison if convicted of any of the multiple murder/attempted murder counts alleged in the indictment and I am planning on devoting most of November, December and January to

¹ I am also scheduled to try yet another case before Judge Crotty on December 10 but, as I mentioned to your Honor, I expect that case to be resolved with a guilty plea.

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his trial preparation. Accordingly, preparing Mr. Henriquez's case for a December trial would, I am afraid, prejudice my other client because it will prevent me from preparing properly for that trial.

When the parties were before your Honor last week, I asked your Honor to relieve me as Mr. Henriquez's counsel and to appoint new CJA counsel. Your Honor stated that you were reluctantly denying my application at that time but would entertain it again if I could secure qualified replacement counsel who could adhere to the current motion and trial schedule.

Don Buchwald, a member of the CJA panel, and his partner Alan Kaufman are available to replace me as Mr. Henriquez's counsel and to try this case, as scheduled, on December 3. They have also indicated that they would be able to comply with the current motion schedule. Accordingly, since a substitution could now occur without affecting the current schedule, I respectfully renew my request to be relieved and further request that Don D. Buchwald be appointed as counsel for defendant Carlos Henriquez.

I would have enjoyed trying another case before your Honor but feel my responsibilities to my other client necessitate this application. I thank your Honor for considering it, confident that if it is granted Mr. Henriquez will receive the highest quality representation from Messrs. Buchwald and Kaufman.²

Respectfully submitted,


Alexander E. Fisemann

cc. Marissa B. Molé, Esq.
Don D. Buchwald, Esq.
Alan R. Kaufman, Esq.

² Since your Honor has asked defendant to indicate, by October 16, what motions he intends to file, I respectfully request that chambers notify me as soon as possible about your decision on this application.